

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DANNY LEE GORDON,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-11-602-C
)	
ERIC FRANKLIN, WARDEN,)	
)	
Respondent.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Valerie K. Couch consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on August 12, 2011, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

In his Objection, Petitioner sets out a series of arguments why his petition is, or should be deemed, timely filed. However, the facts in support of those arguments are simply not sufficient under the law.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this petition for habeas corpus is dismissed, as untimely. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 27th day of September, 2011.



ROBIN J. CAUTHRON
United States District Judge